

## CLEANUPS

### Reform in Brief

#### 3-1.a. Establish National Remedy Review Board

The National Remedy Review Board's (the Board) goal is to promote cost effectiveness and national consistency in remedy selection at Superfund sites. To accomplish this, the Board analyzes proposed site-specific cleanup strategies to insure they are consistent with current law, regulations, and guidance.

The Board has undergone scrutiny by both private parties and Congress, and reaction to the Board's accomplishments to date is generally positive. In FY97, the Board reviewed eight cleanup decisions. While the effects of these reviews on estimated cleanup costs are not yet fully determined, EPA estimates that the first FY97 reviews have saved approximately \$6 million in estimated future cost reductions, for a total Board savings of over \$31 million since 1996. Regions have observed a wide range of additional benefits from the review process, including improved national consistency, clarity of decisions, and cross-Regional communication on key remedy selection issues. Further, while the Board is contributing to cost effectiveness and consistency, the reviews have generally confirmed that Superfund cleanup decisions are technically sound and comply with applicable regulations and guidance.

Also in FY97, the Board conducted an in-depth analysis of its operating procedures, and revised several key protocols

based on analysis of feedback from concerned stakeholders. Of particular note, the Board raised the limit on technical submissions from stakeholders from five to ten pages, and instituted procedures to review high cost non-time-critical removal actions. ■

### BENEFITS

- Improved national consistency in Superfund remedy selection.
- Improved remedy cost effectiveness.
- Confirmation of technically sound decision-making at high cost sites.
- Assurances that decisions are in accordance with regulations and guidance.

### Results

The Board has reviewed total of 20 cleanup decisions, eight of these were reviewed in FY97. So far, it is estimated that FY97 reviews have saved approximately **\$6 million** in estimated future cost reductions, for a total Board savings of over **\$31 million**.

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### SUCCESS

#### New Bedford Harbor Site Massachusetts

Since last year's Annual Report several Regions have completed analyses of the Board's comments. These have shown the significant benefit from the Board's review. For example, the Board reviewed a cleanup decision for the New Bedford Harbor site in Massachusetts. One of the Board's recommendations was for the Region to assess whether their air monitoring program was overly extensive, given the nature of the contaminants and actions planned at the site. The Region subsequently reassessed the need for continued monitoring of this nature. In so doing, the Region made adjustments in the monitoring program, reducing the costs by approximately \$8.4 million.

## Next Steps

- Review cleanup decisions at approximately 10 sites in FY98
- Implement refinements to the Board's mission as well as its implementation procedures
- Review non-time-critical removal actions that meet certain criteria

### Stakeholder Comments

"The new National Remedy Review Board ("the Board") is widely regarded as the flagship among the 20 reforms announced on October 2, 1995."

– "EPA's Superfund Reforms: A Report on the First Year of Implementation" Superfund Settlements Project, December 1996 (pg.2)

## Reform in Brief

### 3-1.b. Establish New Remedy Selection Management Flags ("Rules-of-Thumb")

The goal of the rules-of-thumb initiative was to develop remedy selection rules that will promote cost-effectiveness and flag potentially "controversial" cleanup decisions for senior management review.

EPA developed two products to implement this reform. The first is a brief guidance document that presents key principles and expectations that should be consulted during the Superfund remedy selection process. These rules-of-thumb correspond to three major policy areas in the Superfund remedy selection process: risk assessment and risk management; developing remedial alternatives; and ground water response actions. This document is a comprehensive and easy-to-

### BENEFITS

- *Rules of Thumb for Remedy Selection* guidance was created to clearly present key principles and expectations that should be consulted during the Superfund remedy selection process.
- A fact sheet was created to describe management review procedures employed by EPA to insure that national remedy selection policies and procedures are being implemented.
- The appropriate, consistent application of national policy and guidance helps to insure the reasonableness, predictability, and cost-effectiveness of decisions.

### Results

Since EPA posted *Rules of Thumb for Remedy Selection* guidance on its homepage in October 1997, more than **1,500 users** have accessed the document.

understand guide to Superfund remedy selection policies and guidance. The document gives full citations for all referenced material and explains how the reader can obtain the more detailed source documents (NTIS Report Number PB97-963301INZ). Gathering these remedy selection rules-of-

(continued see *Remedy*)

*Remedy continued...*

thumb in one document will aid in supporting our efforts to promote these important objectives.

The second product is a fact sheet that describes management review procedures employed by EPA to insure that national remedy selection policies and procedures (as outlined in the rules-of-thumb) are being implemented in a reasonable and appropriately consistent manner.

Both documents are completed and in use. They are available from the National Technical Information Service (NTIS) at (703) 605-6000 or federal employees may obtain them from the Superfund Docket at (703) 603-9232. The Rules-of-Thumb document is available without charge on the Superfund homepage. Both documents are used as resource tools by EPA staff when remedy selection documents are reviewed for appropriate national consistency. ■

## Next Steps

- EPA staff will continue to use these documents to improve the remedy selection process and to review remedy selection documents for national consistency.
- Implementing of this reform is complete.

## Contact

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## Reform in Brief

### 3-2. Update Remedy Decisions at Select Sites

EPA encourages the Regions to revisit remedy decisions at certain sites where significant new scientific information, technological advancements, or other considerations will achieve the current level of protectiveness of human health and the environment while enhancing overall remedy effectiveness and cost effectiveness.

The Agency has always been able to "update" or change the details of a cleanup strategy to reflect new information that may not have been available at the time of the original decision, but this reform institutionalized remedy updates to encourage these cost-saving measures. Typically, these changes were made to reflect new information about the characteristics or volumes of contamination present and/or new expectations regarding the performance of selected technologies under site-specific

(continued see *Decisions*)

## Results

During FY97, remedy updates of all types that achieved future cost reductions resulted in a total estimated future cost reduction of over **\$360 million at over 60 sites**. (Note: This figure does not include the DOE Hanford site which updated a portion of the overall remedy based on value engineering for an estimated cost savings of \$297 million.) Of the \$360 million in cost reductions, over \$270 million resulted from updates of the kind identified in the Reform guidance. Cumulative numbers for FY96 and FY97 (excluding the Hanford site) show estimated cost savings of over **\$725 million at approximately 120 sites nationwide**. Of the \$725 million in cost reductions, approximately \$597 million resulted from updates of the kind identified in the Reform guidance. The Agency is gathering information regarding changes in technology that improve remedy performance at costs higher than those previously reported for the original remedy in order to present the full picture of net cost changes.

*Decisions continued...*

conditions. Further, these updates considered the implications of these factors on original decision criteria such as implementability, short-term effectiveness, and cost or community acceptance. Updates also were made to reflect changes in State requirements (i.e., ARARs), or other information that could not have been considered in the original decision. Once a Regional manager decides to undertake such changes, there are specific requirements for public or other stakeholder involvement depending on the nature and significance of the anticipated change.

The Update Remedy Reform was included in the third round of Superfund reforms and was undertaken specifically to encourage appropriate changes

in response to advances in remediation science and technology. Reform guidance (OSWER Directive: 9200.2-22) targeted the following three types of changes, but recognized that other types of changes may be appropriate as well: 1) changes in the remediation technology employed, where a different technology would result in a more cost-effective cleanup; 2) modification of the remediation objectives due to physical limitations posed by site conditions or the nature of the contamination; and, 3) modification of the monitoring program to reduce sampling, analysis, and reporting requirements, where appropriate. This reform recognized that recent advances in the area of ground water science and remediation made these types of decisions good

candidates for updates.

It is important to emphasize that this initiative does not signal any changes in Agency policies regarding site cleanup, including policies regarding remedy selection, treatment of principal threats, preference for permanence, establishment of cleanup levels, waivers of cleanup levels, or the degree to which remedies must protect human health and the environment. ■

## BENEFITS

- This reform has been very successful in bringing past decisions in line with current science and technology. By doing so, these updates improve the cost-effectiveness of site remediation while ensuring reliable short- and long-term protection of human health and the environment. The quantifiable results of this reform have been announced in EPA's testimony before Congress, private industry evaluations of Superfund reforms, and a report of the U.S. General Accounting Office. Of additional note is EPA's overwhelmingly positive record of responding to remedy update requests made by outside parties.

## Next Steps

- Headquarters will continue to work with the Regions on implementation of this reform. Headquarters has requested each Region to explain their strategy for implementing the reform during FY98. Also, specific remedy update data will be tabulated on a quarterly basis.

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## SUCCESS

### Western Point Processing Site, Kent, Washington

At the Western Processing site in Washington, the ground water portion of the original remedy (valued at approximately \$200 million) was modified to reflect new information gained from remedy implementation. As a result of information collected during operation of the pump and treat remedy, the Region determined that the remedy could be significantly enhanced by extending the existing containment barrier and by automating the pumping system. These changes also will greatly reduce the volume of ground water pumped and also will reduce the monitoring and sampling costs. These changes also are fully consistent with EPA's recent guidance for remediating ground water. Accordingly, an Explanation of Significant Differences (ESD) was signed to implement the changes. Estimated costs of the modified remedy will be approximately \$118 million, resulting in overall reductions in remedy costs of \$82 million.

### A. O. Polymer Site Sparta Township, New Jersey

At the A. O. Polymer site in New Jersey, the original ground water remedy included pumping and treating with powdered activated carbon followed by filtration and carbon polishing to achieve State maximum contaminant levels, at a cost of approximately \$19 million. Through a request to revise the treatment system by a potentially responsible party (PRP), EPA and New Jersey reviewed the data and granted the request to update the ground water treatment system to air stripping at a cost of approximately \$10 million. Additional future cost reductions will be realized through refining the capture zone of the pumping system and by reducing pumping volumes. An ESD was signed to implement these changes, which EPA estimates will result in a reduction in remedy costs of over \$9 million.

### Norwood PCB Site, Norwood, Massachusetts

At the Norwood PCB site in Massachusetts, the original soil remedy called for on-site solvent extraction (an innovative technology) at costs estimated at slightly over \$13 million in 1989, but which had increased to over \$54 million by 1995. Difficulties in locating solvent extraction facilities due to space constraints and safety issues were encountered in the pre-design phase. From 1989 to 1995, EPA reexamined the risk-based site cleanup goals based on revisions to human health and ecological risk calculations and clarified the reasonably anticipated future land use for the site. Based on the new site information obtained from this reexamination (together with data showing that all treatment technologies evaluated in the original remedy could not be implemented due to limited space), an alternate approach of consolidation was developed. The Record of Decision (ROD) amendment was signed updating the soil remedy to consolidation under an impermeable asphalt cap which could facilitate future site development at a cost of just over \$7 million. EPA estimates this amendment will result in overall reductions in cost of approximately \$47 million.

### Metamora Site, Metamora, Michigan

At the Metamora site in Michigan, the original soil remedy called for excavation and incineration of co-mingled soils at a cost of approximately \$70 million. Additional soil characterization during remedy implementation showed that materials previously categorized as "principal threats," for which treatment is strongly preferred, were in actuality "low level threats," for which containment is generally acceptable. EPA reviewed and approved a request made by a PRP to reconsider the threat posed by soil. A ROD amendment was signed which updated the remedy to consolidation of soils into an on-site landfill at a cost of approximately \$42 million. The future cost reduction of over \$28 million resulted from improved understanding of the nature of the soil contamination and is consistent with policy expectations regarding treatment of principal threats or containment of low-level threats.

### **Stakeholder Comments**

In the Chemical Manufacturers Association's Report, "A Chemical Industry Perspective on EPA's Superfund Administrative Reforms," April 1997, the following quotes were made:

"Of the five reforms covered in this report, the updating of previous RODs reform generated the most positive comments, both from PRPs and from EPA (pg. 15);"

"In sum, this reform has produced the greatest tangible benefits of any of EPA's Superfund administrative reforms (pg. 18);"

"PRPs confirm that some remedies are being updated and that additional petitions to update remedies are pending (pg. 15);" and,

"Of all of the EPA reforms announced in October, 1995, this is the one that has produced the most tangible results (pg.17)."

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## **R e f o r m   E v a l u a t i o n**

Although EPA has conducted some reviews of the reform, EPA has not conducted a formal evaluation of remedy updates. EPA does gather Regional remedy update information on a quarterly basis, incorporates this information into a database for tracking, and shares this information among all ten Regions, Congress, and outside parties.

## Reform in Brief

### 3-3.a. Clarify the Role of Cost in the Remedy Selection Process

The objective of this reform is to clarify the current role of cost as established in existing law, regulation, and policy.

To implement this reform, EPA developed a fact sheet explaining EPA policy in this area. This fact sheet does not elevate or establish a new role for cost in the Superfund program, but rather summarizes the current role of cost in the Superfund program as established by CERCLA, the National Contingency Plan (NCP), and current guidance.

EPA issued the fact sheet on September 10, 1996. It is entitled, "The Role of Cost in the Superfund Remedy Selection Process" (OSWER Directive 9200.3-23FS) and is available through the National Technical Information Service (NTIS) at (703) 605-6000 and the Superfund Document Center. The document currently is used as a resource tool by EPA staff when remedy selection documents are reviewed for appropriate national consistency. ■



## Results

The current role of cost in the Superfund program has been summarized in a fact sheet.

Since this fact sheet was posted on the Superfund homepage in December, 1996, over **1,000 users** have accessed the document.

## BENEFITS

- Through the distribution of this fact sheet, EPA hopes to insure that all stakeholders involved in the Superfund process fully understand the important role of cost in remedy selection under existing law and policy and recent initiatives aimed at enhancing the cost-effectiveness of remedial actions.

## Next Steps

- EPA staff will continue to use this fact sheet to improve the remedy selection process and to review remedy selection documents for national consistency; however, implementation of this reform is complete.

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## Reform in Brief

### 3-3.b. Directive on National Consistency in Remedy Selection

This directive emphasizes the critical importance of maintaining appropriate national consistency in the Superfund remedy selection process, and requests that program managers make full use of existing tools and consultation opportunities to promote such consistency.

The implementation of this reform has been completed. EPA issued the Directive entitled, "National Consistency in Superfund Remedy Selection" on September 25, 1996. This directive emphasizes the critical importance of maintaining appropriate national consistency in the Superfund remedy selection process and requests that program managers make full use of existing tools and consultation opportunities to promote such consistency. In particular, this memorandum identifies a range of efforts that support national consistency in remedy selection and encourages informed discussion of cross-cutting issues.

EPA Headquarters staff continue to review all proposed plans and RODs to promote appropriate national consistency in Superfund remedy selection decision-making. In addition, cross-regional management and technical review workgroups have been established to promote communication and national consistency. The review procedures and consultation requirements are outlined in a fact sheet entitled "Consolidated Guide to Consultation Procedures for Superfund Response Decisions" (OSWER Directive 9200.1-18FS). ■

#### Contact

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#### Results

Cross-regional management and technical review workgroups have been established to promote communication and national consistency.

#### BENEFITS

- This directive sends a clear and distinct message that nationally consistent remedy selection decision-making is very important to EPA.

#### Next Steps

- Implementation of this reform is complete.

## Reform in Brief

### 3-4. Clarify Information Regarding Remedy Selection Decisions

The goal of this initiative was to design a tool for clearly presenting, in a standardized format, the context, basis, and rationale for site-specific Superfund remedy selection decisions.

EPA developed a draft remedy selection summary sheet in December 1996. Due to comments received on this draft document, the summary sheet

will remain an interim draft document and will not be finalized. Instead, EPA has decided to incorporate this product into a broader

document that provides guidance on preparing Superfund decision documents (including the Proposed Plan,

(continued see *Clarify*)



*Clarify continued...*

ROD, Explanation of Significant Differences, and the ROD Amendment). Anticipated completion of this more comprehensive guidance document is the end of FY98. In addition, the December 1996 version of the summary sheet continues to be used by the National Remedy Review Board as a standard format for presenting key remedy selection information for discussion. ■

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## Next Steps

- Completion of guidance on preparing Superfund decision documents is anticipated by the end of FY98.
- The December 1996 version of the summary sheet continues to be used by the National Remedy Review Board as a standard format for presenting key remedy selection information discussion.

### BENEFITS

- A standard format for documenting remedy selection decisions will allow EPA to evaluate Superfund remedy selection decision-making and communicate this information to the public in a consistent manner.

## Reform in Brief

### 3 - 5 . a . Community Participation In Designing Risk Assessments

**This initiative will create a concise, helpful, user-friendly reference that will provide risk assessors and community members with suggestions for working together in designing and carrying out good risk assessments. The objective of this initiative is to promote public participation in the risk assessment process.**

A key element of the design of a risk assessment should be a meaningful consideration of the issues and concerns that the community has about the risks posed by the site. People who live and work near a Superfund site not only deserve to be informed and involved, but are likely to have knowledge and insights that would be helpful in planning and conducting a site-specific risk assessment.

The result of this reform will be a concise, helpful, user-friendly reference that will provide risk assessors and community members with suggestions for working together in designing and carrying out good risk assessments. The first draft reference document was completed in September 1997. ■

### BENEFITS

- Increases public participation in risk assessments, which should result in better risk management decisions.

## Results

In February 1997 EPA formed a work group to develop the reference document. A draft of the reference document is now being circulated within EPA for comments. In January 1998 a revised draft will be provided for review to over 200 representatives of community groups, state and local governments, and industry.

## SUCCESS

### Risk Assessment Training

Region 7, in cooperation with Missouri's Department of Health and Department of Natural Resources, presented risk assessment training to the local community at Big River NPL site and other historic lead mining sites in Missouri's St. Francois County. The training will enable the community to participate in the risk decision-making and lay the ground work for later participation in the response action decision-making stage.

## Next Steps

- The final risk assessment reference document is scheduled for September 1998.

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## Reform in Brief

### 3 - 5 . b . P R P P e r f o r m a n c e o f R i s k A s s e s s m e n t s

This initiative reaffirms EPA's commitment to authorize potentially responsible parties (PRPs) to perform risk assessments under the proper circumstances.

## BENEFITS

- Makes the cleanup process more efficient
- Decreases the time needed for conducting an RI/FS
- Improves communication between EPA and PRPs
- Gives PRPs a greater role in characterizing site risks
- Reduces EPA's oversight requirements

On January 26, 1996, OSWER Directive 9340.1-02 announced EPA's revised policy of allowing PRPs to conduct risk assessments at most sites where they are also performing an RI/FS. The Directive listed six criteria that the Regions are to consider when deciding whether or not to authorize PRPs to perform a risk assessment. The new policy also removed the previous

requirement for the Regions to consult with Headquarters before authorizing a PRP to conduct the risk assessment. ■

## Next Steps

- Survey Regions in FY98 to determine if there are sites where PRPs perform the RI/FS but not the baseline risk assessment.

### Contact

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### Stakeholder Comments

"This [PRPs performing risk assessments] is a welcome development: EPA has over the years changed its mind about whether PRPs may perform risk assessments."

– CMA Report "A Chemical Industry Perspective on EPA's Superfund Administrative Reforms (p.23).

## Reform Evaluation

Reform to be evaluated to determine PRP involvement in risk assessment.

## Reform in Brief

### 3-6.a. Establish National Criteria on Superfund Risk Assessments

The Agency has prepared draft documents to help insure that risk assessments are consistent and reasonable.

The Agency has prepared draft documents outlining technical approaches to planning and reviewing risk assessments, and standardizing risk assessment data reporting tables. EPA also has established a workgroup of Headquarters and Regional representatives to review and revise these drafts and produce final guidance. The workgroup has completed revisions to these documents.

This reform will establish national criteria for the Regions to plan, report, and review Superfund risk assessments. EPA

is issuing guidance to insure that risk assessments: 1) are well-scoped and well designed; 2) use a standardized presentation format; and 3) are easier to review by Superfund risk assessors. These improvements will help to promote clarity and consistency in the development of risk assessments and facilitate decision-making for response actions at Superfund sites. The workgroup has completed a preliminary review of the outlined technical approach and the standardized risk assessment data reporting tables. ■

## Next Steps

- The workgroup is presenting its work as "Risk Assessment Guidance for Superfund: Human Health Evaluation Manual (Part D, Standardized Planning, Reporting, and Review of Superfund Risk Assessments)." It expects to have the publication available on the Internet and through the National Technical Information Service (NTIS) in the second quarter of FY98.

## Results

EPA issued draft standard risk assessment data reporting tables in July 1996. Comments have been received and are being addressed by EPA.

EPA established a workgroup of Headquarters and Regional representatives to review and revise the drafts of the outlined technical approach and the standardized risk assessment data reporting tables and to produce final guidance. To date, the workgroup has completed revisions to these documents.

## SUCCESS

### Data Reporting Tables

EPA's draft standard risk assessment data reporting tables have been developed as electronic spreadsheet templates that provide clear, consistent, and transparent risk data presentations. The tables provide the summary-level risk data that must be entered into CERCLIS 3 — now the table data can be electronically transferred to CERCLIS 3, omitting the need for data reentry.

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## **BENEFITS**

- Established national criteria for the Regions to plan, report, and review Superfund risk assessments;
- Insures that risk assessments: are well-scoped and well designed; use a standardized presentation format; and are easier to review by Superfund risk assessors; and
- Promotes clarity and consistency in the development of risk assessments and facilitating decision-making for response actions at Superfund sites.

## **R e f o r m   i n   B r i e f**

### **3 - 6 . b .   S t a n d a r d i z i n g   R i s k   A s s e s s m e n t s**

**This initiative will improve current national Superfund risk assessment guidance by selectively updating the 1989 Risk Assessment Guidance for Superfund (RAGS).**

Throughout 1996, EPA met with various stakeholders groups to solicit ideas for improvements to RAGS. This outreach effort culminated in two large stakeholders forums convened by the International City/County Managers Association (ICMA) on October 29-31, 1996, in San Francisco, CA and on November 6-8, 1996, in Washington, D.C. At the forums, stakeholders identified key areas where improvement is needed and offered suggestions to improve RAGS. The forums also gave stakeholders an opportunity for dialogue with EPA and other interested groups on a variety of Superfund issues. ICMA prepared meeting proceedings, which were mailed out to the

forum participants. EPA identified four key issues to address:

- Community Involvement in the Risk Assessment Process
- Land Use Considerations
- Establishing Background for Risk Assessment Purposes, and
- Uncertainty / Probabilistic Analysis.

EPA selected these topics based on input received by the Agency's own risk assessors and managers as well as from stakeholders in the Superfund process. ■



## **Results**

EPA has created workgroups, with representatives from both Headquarters and the Regions, to address the four issues. These workgroups are exploring ideas and options to be included in future guidance documents.

## **Contact**

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## Next Steps

- ICMA is planning to convene a follow up meeting (scheduled for March 2-4, 1998, in Atlanta, Georgia) to discuss drafts of the guidance documents. (Drafts of the workgroup products will be available prior to the next stakeholders forum.) This will be an opportunity for EPA to discuss with the stakeholders the science and the policies involved in the four issue areas as the Agency develops the guidance documents.
- Final guidance will be issued in December 1998

### Stakeholder Comments

Generally, the stakeholders thought the forums were a useful first step in initiating dialogue about the Reform. They especially liked the breakout sessions where they could talk in small groups about Superfund risk assessment issues.

"I was impressed that people from very diverse perspectives / affiliations could come together in small groups and leave behind their preconceived notions and positions to constructively discuss problems and reach solutions."

(Attendee at DC forum from a non-profit organization.)

## BENEFITS

- Improves current Risk Assessment Guidance for Superfund to insure quality, consistency and reliability.
- Insures greater community involvement in designing risk assessments by providing for stakeholder input.

## Reform in Brief

### 3-6.c. Utilize Expert Workgroup on Lead

This initiative utilizes an expert workgroup to standardize risk assessment approaches for lead-contaminated Superfund sites. The workgroup is comprised of technical staff from EPA Regions, OERR Headquarters, the Office of Research and Development (ORD), and other EPA programs.

EPA has established an expert workgroup to promote consistent application of the best science for risk assessment approaches for lead-contaminated Superfund sites. Lead contamination poses significant problems because it is common at Superfund sites, can affect neurological development in children, and is prevalent in economically disadvantaged and minority-populated areas.

(continued see *Lead*)

## Results

In FY97, the TRW developed short sheets, fact sheets, and issue papers on key parameters for lead risk assessment; posted a homepage; reviewed lead risk assessments at six sites throughout the country; and developed lead tools.

Lead continued...

The Technical Review Workgroup (TRW, an Agency workgroup of experts in lead toxicity and exposure assessment) provides information and advice to Regional risk assessors and site managers on a wide range of issues pertaining to lead contamination, but generally focuses on sites with complex or national precedent setting lead issues.

This initiative links and expands existing efforts that support lead risk assessment and policy. The workgroup is responsible for information collection and distribution, analysis of key issues, providing feedback to the Regions, and networking on lead issues. The goals of this initiative are to provide scientifically sound information pertaining to the similarities and differences in Regional approaches to lead risk assessment (and the uses of these assessments); and to create a forum for site managers and senior managers to discuss alternative risk assessment approaches.

The TRW participated in more than 20 conference calls and two face-to-face meetings in FY97; developed short sheets, fact sheets, and issue papers on key parameters for lead risk assessment; created and posted a TRW homepage on the Internet; and reviewed lead risk assessments at six sites throughout the country. The TRW conducted an independent validation and verification (IV&V) of the Integrated Exposure Uptake Biokinetic (IEUBK) Lead model. In addition, the Adult Lead Subcommittee of the TRW has developed a lead exposure risk assessment tool (spreadsheet model) for assessing risks in adult females for the protection of the fetus. EPA has issued two guidance documents that provide recommendations for conducting lead risk assessments: "Recommendations of the Technical Review Workgroup for Lead for an Interim Approach to Assessing Risks Associated with Adult Exposures to Lead in Soil" (December 1996), and "Revised Interim Soil Lead (Pb) Guidance

## BENEFITS

- Helps to insure that lead risk assessments are conducted consistently at sites across the U.S.
- Provides a national forum for sharing the best available scientific information and exploring the state of the science for evaluating the risks due to lead contamination.
- Addresses site-specific concerns pertaining to the application of the IEUBK model and helps to evaluate risks to citizens (especially children) living in proximity to lead contaminated sites.
- Develops, reviews, and provides analytical tools for lead risk assessments.

for CERCLA Sites and RCRA Corrective Action Facilities" (August 1994). Copies of these documents may be viewed and downloaded at:

[http://www.epa.gov/superfund/oerr/ini\\_pro/lead/](http://www.epa.gov/superfund/oerr/ini_pro/lead/)

## Next Steps

- EPA plans to issue a Directive on Lead Removal Actions early in FY98.

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## SUCCESS

### Site-Specific Assessments

The Technical Review Workgroup (TRW) reviewed data on bioavailability, lead speciation in the environment, and lead ingestion inputs at several sites. TRW analysis of risk assessments influenced cleanup decisions at the following sites: the Palmerton Zinc site in Carbon County, Pennsylvania; the California Gulch site, in Leadville, Colorado; the Remington Arms site in Bridgeport, Connecticut; the Sandy Smelter site in Sandy, Utah; the Greenbay Paint Sludge site in Michigan; and the Jack's Creek site in Maitland, Pennsylvania.

TRW Homepage

[http://www.epa.gov/superfund/oerr/ini\\_pro/lead/tblwelc.htm](http://www.epa.gov/superfund/oerr/ini_pro/lead/tblwelc.htm)

## SUCCESS

### Facility Reviews

The TRW conducted a review of the Internal Revenue Service Day Care Facility in Washington, DC.

### State Assistance

The TRW assisted the State of Ohio in creating the "Voluntary Action Program Support Document for the Development of General Numerical Standards and Risk Assessment Procedures;" advised the State of Georgia Voluntary Action Program on the correct methodology for applying the Adult Lead Model; and provided general recommendations for soil-to-dust ratios to the State of Washington.

### Information Hotline

The TRW staffs a hotline and also responds to requests via email. In FY97, the TRW responded to 12 questions concerning the IEUBK model or other related issues and supplied TRW documents to 19 requestors. Additionally, the TRW homepage was visited over 700 times within a month of being posted.

## Reform in Brief

### 3-7. Establish Lead Regulator at Federal Facilities

**EPA developed guidance to establish a lead regulator at sites undergoing cleanup activities under competing Federal and State authorities to eliminate overlap and duplication of oversight efforts.**

A Federal facility cleanup may be governed by multiple authorities, e.g., Superfund, the Resource Conservation and Recovery Act (RCRA), and/or State laws. Although Federal and State agencies involved in a cleanup share the same goals of protecting human health and the environment, their processes, and even cleanup standards, may be different. In addition, the overlapping authorities may be duplicative and use resources inefficiently. Establishing clearly defined roles for regulators at Federal facilities

will help simplify the cleanup process as well as provide for more efficient staffing.

To meet this goal, EPA developed a policy that promotes the single regulator concept, defines roles, and outlines the general principles and guidelines that Federal and State partners should assume in overseeing cleanup responses. The policy was developed by EPA with the advice of an interagency workgroup, that included States' input. ■

## Results

Some Regions have been able to implement this concept in advance of issuance of the policy. Regions 4, 8, and 10 have made considerable progress negotiating agreements with Federal agencies and States that designate a single regulator with lead oversight responsibilities.

## SUCCESS

### Milestones

Region 4 plans to continue to work with the States to establish lead regulator responsibility for all Department of Energy (DOE) and Department of Defense (DOD) sites.

In July 1996, Region 8 finalized their Rocky Flats Cleanup Agreement with DOE and Colorado, which adopted the lead regulator concept.

Since October 1994, Region 10 has had an agreement in place with the State of Washington that divides the sizable Federal facility workload between EPA and the State.

Regions 5 and 6 have been working with Ohio and Texas respectively to implement similar agreements.

## Next Steps

- The Agency will distribute the signed policy to EPA Regions and States in FY98.
- EPA will continue using the single regulator concept at sites.

## Reform Evaluation

Upon completion of the policy, Headquarters closed the interagency workgroup (underway since fall 1995) which included EPA Regions, Federal agencies, and State representatives.

## BENEFITS

- Establishes clearly defined roles for regulators at Federal facilities which aids in simplifying the cleanup process as well as providing for more efficient staffing.
- Reduces duplicative efforts and inefficient use of resources.
- Promotes cooperation between, Headquarters, Regions, and States.

## Contact

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## Reform in Brief

### 3-8. Consider Response Actions Prior to NPL Listing

This reform will provide greater flexibility to the current National Priorities Listing (NPL) policy for evaluating the impact of completed removals on the Hazard Ranking System (HRS) score by allowing post-Site Inspection ("post-SI") completed removals to be considered in HRS scoring.

Based on experiences from applying the current NPL policy, the Agency recognized that some post-SI removal actions can substantially address the threat to human health and the

environment, and should be considered up to the time of NPL listing. Therefore, as a means of encouraging early response actions, especially by private parties, when setting

priorities for the NPL, EPA can now consider certain post-SI removal completions (removals completed before the site is

(continued see *Response Actions*)



*Response Actions continued...*

proposed to the NPL) in preparing HRS scoring packages.

This reform only applies where the Region has documentation that clearly demonstrates there is no remaining release, or potential for a release, that could cause adverse environmental or human health impacts.

Otherwise, the removed waste should be counted in the HRS waste quantity value calculation. If the site's HRS score drops below 28.5 as a result of these changes, and if all cost recovery activities have been addressed,

the Region may proceed with archiving the site from the Comprehensive Environmental Response, Compensation and Liability Information System (CERCLIS). The extent to which EPA applies this policy will depend on the facts of each case.

## BENEFITS

- Reflects the Agency's priorities for listing only those sites adversely impacting human health and the environment.
- Reduces the Agency and private sector legal/transaction costs associated with the listing and subsequent process.

## Next Steps

- Continue to collect information and monitor implementation of reform. The extent to which EPA applies this policy will depend on the facts of each case.

## Contact

Tim Gill, OERR,  
(703) 603-8856

## Reform in Brief

### 3 - 9. Delete Clean Parcels from the NPL

EPA will delete portions of sites from the NPL that have been cleaned up and are available for productive use.

Listing a property on the NPL may affect the value of that property and the surrounding area—whether or not all of the property or adjacent property is contaminated. As a component of its Redevelopment Initiative, EPA is developing a program that provides the Regions with the flexibility to clarify the areas of

(continued see *Parcels*)

## Results

The partial deletion guidance was signed and sent to the Regions on April 30, 1996 (OSWER Directive 9320.2-11). This guidance does not outline partial deletion procedures because they are the same as deletion procedures for total site deletion.

At the end of FY97, Regions 3, 4, 6 and 10 reported six sites with partial deletions and three sites with published Notices of Intent to Partially Delete.

## BENEFITS

- Maps and tracks partial deletions at NPL sites to better portray the Agency's successes.
- Facilitates redevelopment of uncontaminated portions of sites.

### Parcels continued...

sites determined to be contaminated or uncontaminated. This program facilitates the transfer, development, or redevelopment of uncontaminated portions of sites.

Another product of this initiative is an EPA guidance document outlining the procedures for issuing assurances, followup consultation, and coordination concerning areas of sites that are not contaminated. As part of this initiative, EPA has developed tools such as "Soil Screening Guidance" to identify portions

of sites that do not warrant Federal attention. In addition, EPA is considering, on a pilot basis, deletion of remediated parcels of a closing military base that is listed on the NPL so that the parcels may be returned to productive use. ■

## Next Steps

- Issue additional notes of intent to delete clean parcels
- Pilot deletion of remediated parcels at closing military bases

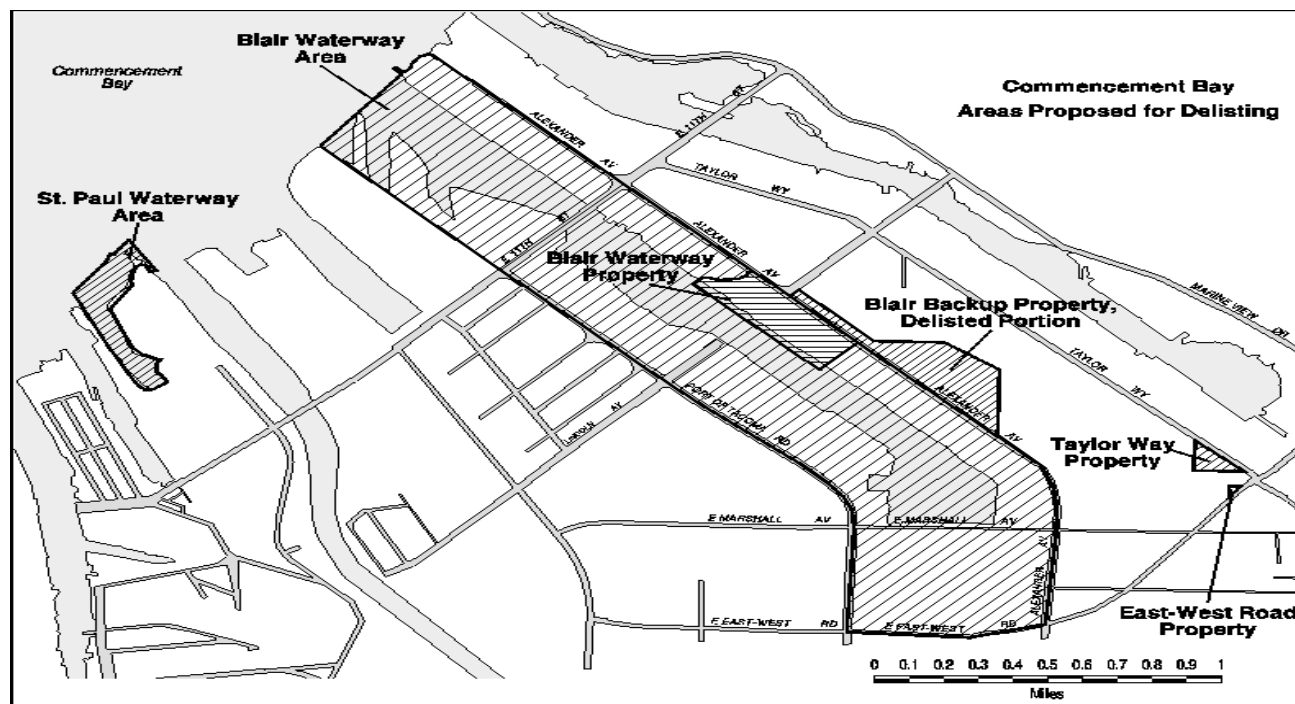
## Contact

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(703) 603-8852

## SUCCESS

### Commencement Bay Nearshore Tideflats Tacoma, Washington

Cleanup progress in several areas of the site eliminated the threat to public health or the environment and allowed EPA Region 10 to publish a Notice of Intent to Delete in the August 28, 1996, Federal Register. The first partial site deletion was completed on October 29, 1996. Several of the deleted parcels have potential for commercial uses. (see diagram)



## Reform in Brief

### 3-10.a. Promote Risk-Based Priority Setting at Federal Facility Sites

Headquarters is developing draft guidance for the Regions which will address the role of risk and other factors (e.g., cost, community concerns, environmental justice, and cultural considerations) in setting priorities at Federal facility sites.

Risk-based priority setting guidance will address DOD and DOE approaches in evaluating risks at sites, and the appropriate role of stakeholders in the process of setting priorities. Headquarters has received extensive comments from EPA staff, other Federal agencies, and States on the draft priority setting guidance. The guidance has been rewritten based on

these comments and will be redistributed to the Regions for a final review and comment. A final guidance is expected to be issued by the second quarter of FY98. Regions are implementing the concept of risk-based priority setting at Federal facility sites. ■

#### Contacts

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#### Next Steps

- EPA will issue final guidance in the second quarter of FY98.

## BENEFITS

- This guidance will incorporate several issues of interest to various stakeholders. It will address the role of risk and other factors (e.g., cost, community concerns, environmental justice, and cultural considerations) in setting priorities at Federal facility sites.

## Reform in Brief

### 3-10.b. Promote Risk-Based Priority for NPL Sites

EPA has established a National Risk-Based Priority Panel to evaluate the risk at NPL sites with respect to human health and the environment. These evaluations are used to establish funding priorities.

In August 1995, EPA established a National Risk-Based Priority Panel of program experts representing all 10 Regions and Headquarters, to evaluate the relative risk associated with projects eligible for funding

(continued see *Risk*)

## Results

During FY97, the Panel evaluated over 50 projects, and of these, 35 projects totaling **over \$185 million were funded** in accordance with their recommendations. Unfunded projects will carry over to FY98.

The panel has **ranked over \$1 billion** in cleanup projects since its inception.

*Risk continued...*

The panel uses the following criteria to evaluate projects:

- Risks to humans;
- Ecological risks;
- Stability of contaminants;
- Contaminant characteristics; and economic, social, and program management considerations. ■

## Next Steps

- Due to changing conditions at certain sites, some projects will carry over to FY98. In such instances, critical removal actions, or the completion of enforcement agreements also might initiate new project actions. The panel will reconvene in early spring 1998.

### Contact

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## BENEFITS

- Process employs risk as a primary criteria to establish funding priority.
- Projects are funded (with the exception of emergencies and the most critical removal actions) in priority order based on Panel evaluations.

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## R e f o r m   E v a l u a t i o n

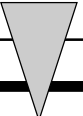
The Panel met in October 1997 to rank new projects ready for funding in FY98. Once the FY98 operating plan is completed and approved, funding for new projects will commence.

## ENFORCEMENT

### Reform in Brief

#### 3-11. Orphan Share Compensation

The Orphan Share Compensation Administrative Reform, announced in October 1995, is intended to provide greater fairness, reduce litigation, (and promote faster cleanup of Superfund sites). The reform accomplishes these goals by compensating parties who perform cleanups for a portion of cleanup costs (the Agency allocates) to orphan shares. EPA continues to offer orphan share compensation at every eligible site under the 1996 interim guidance.



### Results

During FY97, the Agency offered more than \$53 million in orphan share compensation at 20 sites across the United States. These figures reflect some new applications of the policy consistent with the principles articulated in the orphan share policy. Offers of compensation range from \$38,524 to \$15 million, with an average of over \$2.5 million per site. Twelve of the offers were equal to 25 percent of estimated RD/RA or removal costs, three were equal to past and future oversight costs, and five constituted the entire orphan share.

An orphan share is the financial responsibility assigned to a potentially liable party who is insolvent or defunct, and unaffiliated with other viable liable PRPs. Providing compensation for orphan shares creates a major incentive for responsible parties to agree to perform cleanups and settle claims without litigation, and reduces transaction costs by wholly or partly resolving the question of who should bear the burden of orphan shares. The "Interim Guidance on Orphan Share Compensation for Settlers of Remedial Design/ Remedial Action and Non-Time Critical Removals," issued in June 1996, accomplishes these goals in a manner that preserves the limited resources of the Trust Fund.

Under the June 1996 policy, the Agency compensates parties who agree to perform a remedial action or non-time-critical removal at a NPL site, for some or all of the costs specifically attributable to insolvent or defunct PRPs. Compensation can be up to 25 percent of the response costs or total past and future oversight costs, whichever is less, but cannot exceed the estimated orphan share.

In September 1997, EPA and the Department of Justice expanded the orphan share reform. The September 30, 1997, policy statement entitled "Addendum to the 'Interim CERCLA Settlement Policy' Issued on December 5, 1994" describes

factors for the government to consider when deciding whether and how much to compromise a cost recovery claim based on the existence of a significant orphan share. In addition, the addendum provides that where there is a significant orphan share in a cost recovery case, the orphan share may be considered as an "inequity" or "aggravating factor" within the meaning of the "Interim CERCLA Settlement Policy," and justifies EPA's recovery of less than 100 percent of response costs. The Agency will consider, on a case-by-case basis, cost recovery settlement offers which provide a compromise based on an orphan share.

(continued see *Orphan*)

**Orphan continued...**

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Because of this increased flexibility, parties who wish to submit private party allocations may do so in the context of either work or cost recovery settlement negotiations, thereby obviating the need for the Agency to maintain, as a separate reform, the Adopting Private Party Allocations Reform announced in October 1995. ■

**BENEFITS**

- By providing more than \$100 million in orphan share compensation in the last two fiscal years, EPA greatly reduced the burden of requiring financially viable and cooperative settlers to bear the entire cost of orphan shares. In addition, this compensation creates incentives for viable parties to perform cleanups and reduces the time required to complete settlement negotiations.

**SUCCESS****Operating Industries, Inc. Landfill (OII),  
Monterey Park, California**

In FY97, EPA offered orphan share compensation in the amount of \$15 million to 270 major potentially responsible parties associated with the Operating Industries, Inc. Landfill site. The offer is conditioned upon the parties' commitment to conduct the remaining cleanup activities at the site. The total cost of cleanup activities at the site is estimated at \$217 million. The settlement offer would compensate settling parties for the entire amount of the orphan share if a settlement to perform work is reached.

**Interstate Lead Company Superfund Site  
(ILCO),  
Leeds, Alabama**

In FY97, EPA entered into a settlement with 20 financially viable generators for site cleanup valued at \$59.4 million, and reimbursement of \$1.8 million of \$16.6 million in outstanding response costs. As part of the settlement, EPA compromised \$14.8 million in outstanding response costs, or 25 percent of the estimated remedy cost. This compromise was based on EPA's offer in FY96 to compensate settling work parties in recognition of the orphan share.

## Reform Evaluation

The orphan share reform is a fundamental and permanent change in EPA's enforcement process. The reform mitigates the effect of joint and several liability where responsible parties absorb costs attributable to insolvent or defunct parties. While joint and several liability continues to be an integral part of the Superfund liability system, the reform rewards those parties who are willing to settle with the United States.

### Contact

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## Reform in Brief

### 3-12. Site Specific Special Accounts

In October 1995, EPA announced its intention to encourage greater use of Special Accounts for settlement funds to be used for future response actions at Superfund sites and to insure that interest earned by Special Accounts can be credited to these accounts and be available for future response actions at the site for which the Special Account was established.

In October 1996, OMB approved EPA's methodology for calculating Special Account interest. In late October 1996, EPA sent a memorandum to the Regions outlining the agreement with OMB, providing principal and interest balances in Special Accounts, and providing directions on how to request these funds. In February 1997, EPA updated and supplemented its 1996 guidance to the Regions.

Throughout 1997, EPA worked to insure that its Regions (program, counsel and finance offices) understood how to create and use Special Accounts. EPA is working on financial guidance to supplement the general program guidance issued in FY96 and FY97. EPA is also developing guidance on the disbursement of Special Account funds to parties conducting site response actions. ■

## Results

In FY97, the Regions established 34 Special Accounts, with a total cumulative balance of \$75 million. At the conclusion of the FY97, a total of 93 Special Accounts had been established by EPA. The total balance of funds available in Special Accounts is \$405 million, representing \$353 million in principal and \$52 million in interest (interest through September 30, 1997).

### SUCCESS

#### Cherokee County Superfund Site Cherokee County, Kansas

Special Account funds in the amount of \$2.25 million will be used to conduct future work at the site, including groundwater and surface water remediation, soil cleanup, and public water supplies.

#### Jasper County Superfund Site Jasper County, Missouri

Special Account funds in the amount of \$5.9 million will be used to conduct future work at the site, which may include public water supplies and/or individual water treatment units; surface water remediation; and engineering controls.

### Contact

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## Reform in Brief

### 3-13. Unilateral Administrative Orders (UAO) Reform

In FY97, EPA expanded and continued to implement its reform relating to equitable issuance of CERCLA section 106 unilateral administrative orders (UAOs). This reform is designed to insure that UAOs are issued to all appropriate parties following consideration of the adequacy of evidence of the party's liability, their financial viability, and their contribution to the site. To achieve this goal, the reform established several different documentation requirements, including documentation of staff's reasons for proposing to exclude a party from an order and documentation of the rationale for not issuing an order to a late-identified PRP. The documentation requirement relating to excluded parties was phased in, applying initially (in FY96) only to orders for RD/RA and, in FY97, extended to all UAOs, including UAOs for removals and RI/FSs.

Approximately two-thirds of the 60 UAOs issued in FY97 excluded certain parties from the order. A Headquarters team reviewed the documentation prepared by Regional staff to justify the exclusion of these parties. Although as of January 1998 the HQ team's review was not yet entirely complete, the team's preliminary conclusion is that orders have been issued to all appropriate parties, and that the reasons cited for excluding certain PRPs from UAOs were generally consistent with existing Agency policy. In most cases, the excluded parties were not financially viable or had only contributed relatively minor amounts of waste to the site. For example, EPA Region 3 issued a UAO to two parties for cleanup of the Spelter Smelter Site in Spelter, West Virginia, and excluded three other PRPs because they were not financially viable. Similarly, at the Operating Industries, Inc. Site in Monterey Park, California, EPA Region 9 justified the exclusion of numerous parties on the basis

that they had only contributed *de minimis* amounts of waste to the site. In some cases, parties were excluded because the government did not yet have sufficient evidence to establish a particular party's liability. One of the reform's documentation requirements involves situations where Regional staff propose not to issue UAOs to late-identified PRPs. While the Agency continues to face difficulty in readily tracking these situations via CERCLIS, the EPA Regions demonstrated the spirit of this requirement by issuing participate-and-cooperate orders in at least five cases during FY97. ■

## Results

During FY97, 60 UAOs were issued pursuant to CERCLA section 106. For roughly a third of these orders, the UAO was issued to all parties connected to the site. For the rest, an EPA HQ team has independently reviewed the relevant documents and preliminarily concluded that the reasons cited for exclusion were generally consistent with Agency policy.

## Contact

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## SUCCESS

### Carolawn Site Fort Lawn, South Carolina

In FY97, EPA Region IV issued a UAO to all 24 PRPs identified at the site.

### American Allied Additives Site Cleveland, Ohio

In FY97, EPA Region V issued a UAO to 14 parties and, one month later, amended the order to include the only other two parties connected to the site.



## Reform Evaluation

The Agency expects that insuring the equitable issuance of UAOs will ultimately increase the likelihood of settlements and reduce private party litigation. To date, EPA has not undertaken any significant effort to quantitatively measure the reform's impact on settlements or private party litigation. However, there is some anecdotal evidence suggesting that stakeholders perceive positive impacts resulting from this reform. For example, some PRP representatives have reported that they have detected a positive change in Regional attitudes since the announcement of this reform, indicating an increased willingness to issue UAOs to larger numbers of PRPs.

### Reform in Brief

#### 3-14. Revised De Micromis Guidance

For very small volume waste contributors at Superfund sites, i.e., de micromis contributors, the cost of legal and other representation services may actually exceed a party's settlement share of response costs. If private parties threaten suit against these very small contributors, EPA enters into settlements providing contribution protection. This reform is intended to further discourage third party contribution litigation against de micromis parties, and where necessary, EPA will resolve de micromis parties' liability concerns quickly and fairly.

In June 1996, EPA revised its de micromis guidance by doubling the level previously identified for de micromis protection. The revised guidance recommends cutoffs for eligibility at:

- 1) 0.002 percent (of total volume) or 110 gallons/200 pounds of materials containing hazardous substances, whichever is greater; or
- 2) 0.2 percent of total volume, where a contributor sent only municipal solid waste (MSW).

If a de micromis party is threatened with litigation by private parties, EPA will settle

with that party for \$0 in a settlement agreement that protects such parties from further litigation.

Another vehicle for protecting de micromis parties is through the use of waivers in our settlement agreements. This method can be less resource intensive than actually developing de micromis settlements for those parties that are threatened with lawsuits. De micromis waiver language was developed in the 1995 RD/RA model consent decree, which

#### SUCCESS

#### Cherokee Oil Resources Site Charlotte, North Carolina

EPA entered into *de minimis* settlements with over 200 small parties, and another round of *de minimis* settlements is planned for the site. In an agreement reached with the major and *de minimis* contributors, they waived their rights to pursue over 1,000 de micromis parties.

states that settling parties waive their contribution rights against de micromis parties. The Office of Site Remediation Enforcement plans to develop a directive to promote the use of de micromis waivers in settlement agreements to insure that major parties do not pursue these small parties. ■

## SUCCESS

### Raymark Industries Stratford, Connecticut

The U.S. Government and the State of Connecticut protected homeowners living near the Raymark facility, from a "third party" lawsuit brought against them by the company. Under the settlement, 58 homeowners whose property was contaminated with hazardous waste from the Raymark plant will each pay one dollar and will be shielded from third party claims Raymark brought against them in an attempt to recover the costs of cleaning up the contamination from its plant.

## Contact

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## Reform in Brief

### 3-16. Improving the Administration of PRP Oversight

This reform seeks to maximize the effectiveness and efficiency of EPA oversight of potentially responsible parties (PRPs) through the enhancement of EPA's working relationships with these parties. EPA is focusing its effort toward PRPs whom the Agency considers to be capable and cooperative pursuant to earlier guidance issued under this reform.

As the Superfund program has matured, parties have developed considerable experience in conducting response activities at sites. Some not only have used this experience to perform high quality work, but also have cooperated with EPA throughout the cleanup and enforcement processes. In recognition of this development, and to promote further cooperation, EPA issued a directive on July 31, 1996 (OSWER Directive 9200.4-15), on "Reducing Federal Oversight at Superfund Sites with Cooperative and Capable Parties." This Directive encourages Regions to seek opportunities to reduce oversight at sites having cooperative and capable PRPs, while ensuring that the protectiveness of the remedies is maintained and the concerns of communities are addressed. The guidance also provides criteria for the Regions to consider when determining whether a PRP is cooperative and capable (and thus eligible for reduced oversight) and provides examples of reduced oversight. During FY97, a national EPA work group was initiated to put the guidance into practice. The reform has been reoriented to consider broader concerns with respect to administering PRP oversight, namely improving working relationships with PRPs through better communication of oversight expectations, identifying opportunities to improve oversight efficiencies, and improving billing practices. For FY97, EPA Regional Offices were requested to identify NPL sites with capable and cooperative PRPs and inform these PRPs of EPA's efforts to control or reduce the level and associated costs of oversight at their sites. ■

## Results

In FY96, **100 sites** were tentatively identified as being eligible for the reform. As the reform has progressed sites originally identified were deleted and others added. EPA Regions sent letters to PRPs at sites to inform them of Agency efforts to control or reduce oversight costs during FY97.

## BENEFITS

- Reduces project completion time as well as EPA and PRP costs
- Fosters cooperation among parties, facilitating successful project completion and encouraging similar interactions among parties at other sites

## Next Steps

- For FY98, the focus of the PRP oversight administrative reform will be to implement practices that achieve or enhance effective and efficient working relationships with capable and cooperative PRPs.
- During FY98, Regions will meet with participating PRPs to provide information on planned oversight activities, discuss potential future oversight costs, review oversight activities of the previous billing period, and discuss timely payment for oversight costs incurred, as appropriate.

## SUCCESS

### Cleve Reber Site, Sorrento, Louisiana

EPA Region 6 achieved a cost savings of \$500,000 in 1996 by switching to the U.S. Army Corps of Engineers for oversight instead of using a private contractor.

### Ruston/North Tacoma Site, Washington

By reducing the number of split samples taken, frequency of site visits, and comparative data analyses, EPA Region 10 saved nearly \$700,000 in oversight costs between 1994 and 1996.

### Schuylkill Metals Corporation Site, Plant City, Florida

By limiting field oversight, EPA Region 4 has incurred less than half of the oversight costs originally anticipated in 1993, for a savings of over \$80,000.

### Pristine Inc. Site, Reading, Ohio

Since 1996, EPA Region 5 has saved roughly \$250,000 a year through the reduction of contractor support for oversight.

## Stakeholder Comments

In May 1997, the national EPA workgroup hosted a meeting with industry representatives to discuss opportunities to control costs. EPA Regions 1, 2, 3, and 5 have hosted similar meetings.

– Comments following the May 1997  
National Meeting

“We [industry] like the idea of meeting and discussing oversight expectations with EPA. Receiving cost information and getting bills on time also helps us plan and budget our oversight expenses. We’d like to get a sense of the baseline value of oversight costs against which to compare oversight costs at our own sites.”

– Rachel Deming, Remediation Counsel,  
Ciba Specialty Chemicals Corporation

## Reform Evaluation

EPA intends to conduct site-specific evaluations to assess the impacts of the reform at sites that participate in the reform during FY98.

## Contacts

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## PUBLIC INVOLVEMENT

### Reform in Brief

#### 3-17. Pilot Remedy Selection by Selected States and Tribes

The goal of this reform is to provide States and Tribes with an increased role in remedy selection at NPL sites when possible.

Under this Pilot, EPA and selected States or Tribes (hereafter, States) enter into agreements through which participating States would agree to conduct the remedy selection process, consistent with applicable law and regulations, at certain NPL sites. Using remedy selection pilots, participating States will supervise the remedy selection process with minimal EPA oversight or involvement. This would give the States or Tribes significantly more control than usual over other NPL site cleanups. ■

### Results

Pilots were solicited in June 1997. Regions 1, 2, 6, 7, and 10 now have pilots underway.

### BENEFITS

- This initiative will provide experience with empowering States and Tribes to select remedies and will reduce the need for EPA oversight in remedy selection.

### Concepts & Lessons Learned

The national workgroup has developed criteria and a process to select new pilots, monitor and assess the results.

### Next Steps

- Encourage additional Regions to start pilot programs.

## Reform Evaluation

Information collection will begin in the first quarter of FY98, to the extent possible, on past and ongoing pilots with the ultimate goal of publishing "lessons learned" for these pilots. Progress and issue monitoring will occur on a quarterly basis.

### Contact

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## Reform in Brief

### 3-18. Pilot Community Based Remedy Selection

This initiative is based on the theory that consensus-based approaches to remedy selection, and collaborative partnerships involving community stakeholders, can lead to remedies that better satisfy the community, while still meeting statutory and regulatory requirements. The output from this initiative will be a compendium of useful experiences, approaches, and techniques for fostering community participation.

This initiative is intended to promote greater public involvement in the Superfund program, especially during remedy selection. The effort involves exploring the use of more consensus-based approaches that involve community stakeholders. The theory is that collaborative partnerships can lead to remedies that better satisfy the community, while still meeting statutory and regulatory requirements. The output from this initiative will be a compendium of useful experiences, approaches and techniques for fostering community participation.

One of the best ways to increase citizen participation is through establishing and nurturing community advisory groups (CAGs). A CAG is made up of representatives of diverse community interests. Its purpose is to provide a public forum to consider cleanup-related issues and to work with EPA to address community needs and concerns with respect to the response. Ideally, the CAG and EPA will develop an effective partnership that will

result in the community having meaningful influence on site cleanup decisions. ■

### Next Steps

- Continue to discuss regional approaches to community based remedy selection throughout FY98.

### Contact

Bruce Engelbert, OERR,  
703-603-8711

### BENEFITS

- Helps increase awareness among Superfund response personnel of their responsibilities for working with citizens affected by the cleanup and the importance of including community values and concerns in response decision-making.

### SUCCESS

#### Overall Success

Last year's report highlighted the success of public participation at the Lower East Fork Poplar Creek site in Oak Ridge, Tennessee. Community support for changes to the remedy resulted in estimated future cost reductions (cleanup savings) of \$160 million. Efforts to increase the community's involvement in the cleanup process also have payed positive dividends at sites in Jasper County, Missouri, and Leadville, Colorado. Although in each case the circumstances were different, as were the methods used, the outcomes were enhanced because the public felt included.

#### Oronogo-Duenweg Site, Jasper County, Missouri

At the Oronogo-Duenweg site in Jasper County, the remedial project manager developed a close rapport with the site's CAG. This led to the award of a \$200,000 grant to the community to develop an environmental master plan which served as the basis for the institutional controls adopted as part of the site remedy.

#### California Gulch Site, Leadville, Colorado

At the California Gulch site in Leadville, Colorado, the community's outright hostility to EPA and the cleanup was completely turned around after EPA invested a considerable amount of time listening to the concerns being expressed by citizens and then worked with them to come up with mutually acceptable solutions.

## Reform in Brief

### 3.19. Establish Superfund Ombudsman in Every Region

The goal of this initiative was to place an Ombudsman in each Region to serve as a point of contact for the public and help resolve stakeholder concerns. It was undertaken by a joint Headquarters/Regional workgroup.

Headquarters and the Regions were equal partners in the development of the mission statement, position description, process description, and implementation and evaluation plans for this reform. The Regions have adapted the generic products to meet their needs, thus allowing for Regional variation but retaining national consistency. On June 4, 1996, EPA Administrator Carol Browner announced that all 10 Regions had nominated Ombudsmen by the prescribed date of March 31, 1996.

The responsibilities of the Superfund Regional Ombudsman include resolving concerns and providing information and guidance. The Superfund Regional Ombudsman (RO) can also assist staff members to settle or prevent problems with stakeholders. While helping the public, the RO can also identify sites requiring cleanups, assist in the Brownfields area, address environmental justice (EJ) issues, identify criminal cases and find methods to improve processes.

In FY97 the Region 2 RO received 175 requests for

assistance with 83 of them being received over the last four months. This compares with nine calls for the same period in FY96. This was due to both the increase in publicity of the available services and to customer satisfaction. Ninety-five of the calls were requests for general, program and technical information. Approximately 66 requests from professional environmental and media personnel were referred to others for response. Where possible, responses to the other 109 stakeholders requiring individual attention were made by the RO directly. There were 80 requests for general and site specific assistance. Of these, 44 requests involved 26 NPL and non-NPL sites.

Since most stakeholders cannot distinguish between Superfund and other programs, the RO responded to all stakeholders' public health and environmental concerns. This resulted in an increase in EPA's rating with our stakeholders. To be more responsive to stakeholders, the RO responds directly where possible. This not only provides quick answers, but also assists the Region's technical staff by saving them time and not

## Results

Regions have developed new outreach tools, toll-free numbers for use by stakeholders and new processes to facilitate resolution of issues.

In Region 2, the volume of calls increased dramatically as a result of an aggressive stakeholder advertising campaign. The Ombudsman has resolved 96 percent of the cases, with 55 percent resolved within 24 hours.

interrupting them. In FY97, the RO responded directly to 109 (62 percent) of the cases. Many calls from concerned citizens involved health related problems dealing with their homes for which they could not obtain answers. Besides providing answers to their problems, the RO was usually able to alleviate their concerns and fears.

Region 3 placed a priority on developing the infrastructure needed to support a Superfund Ombudsman program. The

(continued see *Ombudsman*)

*Ombudsman continued...*

Region developed a mission statement, principles of operation, a position description, performance standards, and placed Ombudsman information on the Hazardous Waste Management Division's homepage on the Internet. The Region 3 Ombudsman has averaged about two calls per week; the calls can be handled very quickly, generally within 24 hours.

The Region 7 Ombudsman handles approximately three issues per month. Most issues (more than 80 percent) are minor, i.e., are resolved with two or three simple actions. Approximately 50 percent are non-Superfund matters. The Ombudsman contacts the appropriate staff from across the Region to respond with the correct information in a timely manner. While Region 7 has had few complaints overall, the Ombudsman has also counseled Superfund branch chiefs and staff on how to handle some of the more difficult complaints.

During FY97, the Region 9 Ombudsman received 15 requests for assistance, three of which are still pending at the end of the fiscal year. Five of these requests were for general information, five reported an environmental problem (one of which turned out to be a major

## BENEFITS

- Makes the Superfund program more responsive to the community and increases EPA's overall rating with stakeholders.

pesticide site requiring emergency response), one was a criminal case outside the authority of the Ombudsman, two were from individuals dissatisfied with EPA actions, and two were from individuals not getting response from anyone about their environmental problem. In the two cases where people were

dissatisfied with In Region 9's response, the situations related to the amount of money the individuals were receiving as compensation for a cleanup. One case has been resolved satisfactorily; the other is still pending ■

## Next Steps

- Conduct ongoing public outreach and convene the annual meeting.

## Contacts

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## SUCCESS

### Drake Chemical Site, Lockhaven, Pennsylvania

The Ombudsman's support on this case has included gathering information on alleged hazardous waste sites in the Lock Haven area, and meeting with the Lock Haven Environmental Advisory Committee to offer assistance.

### Rayoner Pulp Mill, Port Angeles, Washington

Stakeholders requested the assistance of the Regional Ombudsman to help them address concerns associated with the closing of this pulp mill and associated landfill sites which were used to dispose of mill wastes. Region 10 now has a site team in place, consisting of an OSC (who is providing limited oversight of the mill demolition), two site assessment managers who are responsible for the Preliminary Assessments (PA), and a community involvement coordinator who is working closely with the state, local authorities, citizens, environmental groups, and interested Congressional staff.

### Commencement Bay/Nearshore Tideflats Superfund Site Tacoma, Washington: Hylebos Waterway

The Region 10 Ombudsman received a request from a PRP to look into the decision-making process to insure adequate involvement of interested parties outside of EPA. The Ombudsman worked with the site team (remedial project manager and community involvement coordinator) to respond to the request, which resulted in the addition of a significant public involvement component to the decision-making process. When citizens expressed concerns about site cleanup levels and inquired about "appealing" the decision, the Ombudsman worked with the group to identify future opportunities for their involvement in the cleanup, and provided information about CERCLA and their rights to dispute such decisions.



## Reform in Brief

### 3-20. Improve Communication with Superfund Stakeholders

EPA is using electronic tools, such as the Internet, multimedia computers, and other electronic means, to increase communication among all Superfund stakeholders and improve access to Superfund information.

The EPA National Superfund website has been comprehensively redesigned to make it easier for the public to access and find Superfund program information – 13 top-level buttons emphasize the public outreach focus of this website, with categories such as “What is Superfund,” “Site Information,” “Community Tools,” “Superfund for Kids,” “Technical Resources,” and “Regional Programs”. A key new feature to be added in early 1998 is the on-line querying of Superfund data.

All EPA Regional offices have developed homepages which include information on Regional Superfund programs, such as Superfund site lists, site-specific information, and links to state Superfund activities. Of note during 1997, the Regional Superfund Internet workgroup coordinated the dissemination of information on the National and Regional Superfund websites. For example, the Regions have prime responsibility for the Superfund site fact sheets on the Internet – such as a comprehensive list of National Priorities List (NPL) site summary fact sheets in

Regions 2 and 4. Region 3 also has included Superfund site-specific information on its website and is in the process of posting site-remediation photographs. The Region 5 Superfund website includes comprehensive links to Superfund success stories, NPL sites, and Record of Decision (ROD) information. It also features an emergency hotline and a “Kids and Superfund” button. Regions 6, 7, and 8 all profile Superfund site status summaries/fact sheets with Region 6 also featuring information on the Brownfields program. Region 9 is piloting a format to present a full range of information and documentation on its Superfund sites. Finally, Region 10’s site information includes geographic information system (GIS) maps for some of its key sites and an emphasis on providing information in different formats to meet varying customer needs. ■

### Next Steps

- Continue to post and revise Superfund information on EPA Superfund homepage.

### Results

Since October 1996, more than **100,000 users** have accessed the Superfund homepage.

Superfund information that once cost \$785 under FOIA is now available immediately for little or no cost on the Internet.

### Stakeholder Comments

“The revamped site provides an impressive quantity of data and links that ought to satisfy most environmental law junkies’ craving for Superfund knowledge. Although the information available is comprehensive enough to make the site useful to environmental professionals, it is presented in a way that is understandable to the layman.”

– “EPA Refreshes Superfund Website,” *Envirobiz*, April 3, 1997.

## **BENEFITS**

- Makes Superfund information available to the public on an immediate low-cost continuing basis.

### **Contacts**

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### **Stakeholder Comments**

"The most comprehensive website concerning Superfund is the USEPA Superfund Homepage. The EPA Superfund Homepage provides extensive information on all aspects of Superfund in a format designed for environmental professionals, local officials, and the general public. Almost any Internet research for Superfund information should begin with the EPA Superfund Homepage."

- Paper titled, "Superfund Resources on the Internet," published for the HazWaste World/Superfund XVIII conference in December 1997.

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## **R e f o r m   E v a l u a t i o n**

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The Superfund website ([www.epa.gov/superfund](http://www.epa.gov/superfund)) was significantly revised in March 1997, to facilitate access by stakeholders to Superfund information. This reform has dramatically increased the amount and speed of Superfund program information available to the public and OERR's ability to respond to inquiries from the public on Superfund issues. The reform itself is considered complete, although the Superfund website is continually being improved and new material is being added. OERR's focus during 1998 will be to "build out" the Superfund website by offering new and more varied types of Superfund program information (for example, on-line querying of Superfund site data).